

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID HODGES,

No. 6:15-cv-00521-AC

Plaintiff,

ORDER

v.

CORIZON HEALTH, INC.; ANDREW
GRASLEY, MD; CHERYL CALCAGNO,
FNP; and TRANG TRAN, RN;

Defendants.

HERNÁNDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation [146] on April 25, 2018, in which he recommends that this Court deny Defendants' Motion for Summary Judgment [65] based on the timeliness of Plaintiff's claims. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Defendants filed timely objections to the Magistrate Judge's Findings & Recommendation. Defs. Obj., ECF 148. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of

that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

In their objections, Defendants argue that Judge Acosta erred in finding that the continuing violation doctrine applies to Plaintiff's claims. Specifically, they argue that Judge Acosta applied the incorrect standard for the continuing violation doctrine in his analysis. Regardless, however, of whether the standard described in *National Railroad Passenger Corporation v. Morgan*, 536 U.S. 101, 117 (2002), or the "related acts" theory applies to this case, the Court finds that the analysis of the timeliness of Plaintiff's claims of deliberate indifference is sound.

The Court has carefully considered the rest of Defendants' objections and concludes there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Acosta's Findings and Recommendation [146]. Defendants' Motion for Summary Judgment [65] based on the timeliness of Plaintiff's claims is DENIED.

IT IS SO ORDERED.

DATED this 4 day of Sept, 2018.


MARCO A. HERNANDEZ
United States District Judge